pean nations and Lebanon, any political refugee in flight from a Communist country who tries to enter the United States by way of any Asia or Pacific area would be effectively barred from admission to this country, unless he somehow manages to reach one of those seven countries.

This partial implementation of the law, I emphasized, was clearly a violation of the spirit and intent of the Immigration Reform Act of 1965, which the administration had so strongly supported for the very reason that it would eliminate racial discrimination from our basic immigration law.

Mr. President, I ask that the text of my letter of July 12 to the Secretary be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 12, 1967.

Hon. DEAN RUSK,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: It is my understanding that political refugees from Communist China escaping into Hong Kong may not enter the United States conditionally, as provided under Section 203(a)(7) of the Immigration and Nationality Act, because as that provision is administered, political refugees from Communist nations must enter on a conditional basis from one of only seven countries—Austria, Belgium, France, West Germany, Greece, Italy and Lebanon. None of these nations, it should be noted, is in the Asia and Pacific areas, and all but Lebanon are in Europe.

This to me is a clear violation of the spirit of the Immigration Reform Act which the Congress passed in 1965, and which the Administration so strongly supported because it would eliminate racial discrimination from our basic immigration law. What we have eliminated by law is being restored by administrative decree. This is most unfortunate and smacks of racism.

I therefore urgently request that Hong Kong and another country in Southeast Asia—perhaps Thailand or Singapore—be added to the list of areas through which political refugees from Communist countries may be granted entry into the United States.

With aloha,

Sincerely yours,

HIRAM L. FONG.

Mr. FONG. On July 25, the Department of State replied to my urgent request that refugee offices be established in Hong Kong and Thailand or Singapore. Mr. President, I ask that the full text of this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, July 25, 1967.

Hon HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Secretary Rusk has asked me to thank you for your letter of July 12 in which you request that Hong Kong and another country in Southeast Asia be added to the list of areas through which political refugees from Communist countries may be granted conditional entry into the United States under Section 203(a)(7) of the Immigration and Nationality Act. The Department is glad to give you its views on this matter.

I should like to state at the outset that the Department of State shares your view that there should not be discrimination against refugees from Communist China. Indeed, the Department has consistently supported legislation and programs for help to Chinese refugees, including the Far East Refugee Program, which the Department administers, and the several immigration laws under which Chinese refugees have becn and are being admitted to the United States. Under present circumstances, this is one of the few ways by which we can demonstrate that the historic friendship and humanitarian concern of the American people toward the Chinese people continues.

Several thousand Chinese refugees received visas under the Refugee Relief Act of 1953 and over 2,000 more obtained special refugee visas under Section 15 of Public Law 85-316, the Act of September 11, 1957. Following the massive influx of refugees from Communist China in 1962, the President authorized the use of the Attorney General's parole power under Section 212(d)(5) of the Immigration and Nationality Act for the admission of Chinese from Hong Kong. As a result, during the period 1962-65 over 15,000 Chinese, most of them refugees from Communist China, were paroled into the United States. Many of these Chinese benefited from that provision of Section 203(a)(7), which permits the use of up to 5100 numbers annually for the adjustment of the status of refugees already in the United States.

More recently the removal of quota and other restrictions by the Act of October 3, 1965, which amended the Immigration and Nationality Act, has provided substantial relief for Chinese refugees in Hong Kong. In the quota year ending June 30, 1965, before the new Act had modified the national origins system and the discrimination of Asians associated with it, only 2,122 immigrant visas were issued by the Consulate General in Hong Kong. In the year ending June 30, 1966, the number of visas issued had risen to 6,911, and in the year ending June 30, 1967, the number is expected to reach about ten thousand, almost five times the number issued before the new law was enacted. In the last few years the number of Chinese immigrants has increased to the extent that voluntary relief agencies and others have reported that many of the Chinese are having difficulty in finding jobs and housing in the United States except under conditions which are substandard and not on a par with their skills and previous level of living.

With regard to the language of Section 203(a)(7) of the Immigration and Nationality Act, the Department is in full agreement with you that the language of the statute would permit the conditional entry of refugees from Communist China. However, among the considerations involved in the implementation of Section 203(a)(7) was the position of the Congress as noted in the reports of Committees of the Judiciary of both the Senate and the House. These reports stated that the conditional entry of refugees as proposed in this bill was not unlike the parole procedure utilized during the existence of the so-called Fair Share Act and that it was intended that the procedure should remain the same. Public Law 86-648, the Fair Share Act of July 14, 1960, was enacted for the specific purpose of resettling the overflow of refugees in Europe and the Middle East. In accordance with Congressional intent for the implementation of that law, the seven countries mentioned in your letter—Austria, Belgium, France, West Germany, Greece, Italy and Lebanon—were designated as centers for the parole of refugees. With the passage of the new Immigration Act, and in line with the language of the Congressional reports, these same countries have continued to be the only ones from which refugees are being processed for conditional entry.

As you know, Section 203(a)(7) provides that conditional entries shall be made available by the Attorney General to aliens who are examined by Immigration and Naturalization officers. Although this section of the law is administered by the Immigration and Naturalization Service (INS), the Attorney General and the Secretary of State have agreed that the Department of State will designate the countries in which it is considered feasible and in the foreign policy interests of the United States for the immigration and Naturalization Service to undertake the examination of applicants for conditional entry. Also involved are agreements with the countries of asylum to the arrangements necessary for INS to conduct these operations. These include the right of INS officers to interrogate applicants, the right of access to local government records on the refugees and the right to return refugees to the asylum country within a period of two years if they are found ineligible to remain in the United States.

The Department in consultation with the Immigration and Naturalization Service has given consideration to the possible extension of the benefit of Section 203(a)(7) to other areas. For example, in addition to the two million or so Chinese in Hong Kong who might qualify as refugees, the million and a half Palestine refugees in the Middle East pose a similar problem. However, under the law a maximum of only 10,200 refugees may be granted conditional entry annually and half of this total, or 5,100 numbers, may be made available for the adjustment of status of refugees already in the United States. Therefore, the numbers of Chinese who might enter the United States under these limitations would have relatively little impact on the total refugee situation in Hong Kong. Should Hong Kong (or the Middle East) be opened up for the implementation of conditional entry, the problem of administering the presumed huge number of applications, of making determinations as to the applicant's refugee status, and of trying to assign priorities among potential applicants far in excess of the numbers available would be most difficult. There would be a special problem in Hong Kong where the authorities consider persons entering the Crown Colony without legal documents as "illegal immigrants" rather than "refugees." Whereas in European countries, refugees apply for and receive asylum under definite standards related to the provisions of the United Nations Convention on Refugees, no such determinations are made in Hong Kong.

These are the considerations upon which the Department thus far has withheld designation on Hong Kong as an area for the examination of applicants for conditional entry. You may be assured, however, that the Department will continue to keep the question of enlarging the scope of the refugee program under serious consideration.

I appreciate the opportunity which your letter provides to explain the Department's position in this matter.

If there is any additional information which you believe we can furnish, please let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

Mr. FONG. Mr. President, today I have written another letter to the Secretary.

While I appreciated very much the Department's extensive exposition of its views on this situation, and while its support of past efforts to assist refugees escaping from Communist China and other areas of Asia and the Pacific I find to be indeed commendable, I was absolutely not satisfied with the points raised by the Department's letter.

In effect, the Department's letter simply underlines its policy of refusing to accept political refugees from Asia and the Pacific. It is a flat refusal by the Department to reconsider this unfortunate policy, and as such I strongly believe that the Department is guilty of gross discrimination against Asia and the Pacific.

This racial discrimination is being practiced wholly without sanction of the 1965 Immigration Reform Act, but rather by administrative fiat.

The problems which are outlined in the Department's letter have been raised only for the purpose of avoiding the full implementation of a law that has been duly passed by the Congress.

There is no question that the overriding public policy underlying every single aspect of that 1965 law is the complete elimination of race discrimination from our basic immigration statute. This transcendent public policy is made abundantly clear in statements of President Johnson, when he submitted the bill to Congress and when he signed the measure into law, and in all the legislative history of the law.

When that public policy is applied to statutory provisions dealing with political refugees, it is plain to me that such refugees in the Asia and Pacific areas should be placed on exactly the same footing as political refugees in Europe and the Middle East.

Mr. President, the language contained in the reports of the Committees on the Judiciary of both Senate and House regarding the implementation of section 203(a)(7) of the Immigration and Nationality Act of 1965 which was noted in the Department's letter is:

> The conditional entry of refugees as proposed in this bill is not unlike the parole procedure utilized during the existence of the so called Fair Share Act . . . and is intended that the procedure remain the same.

This language of the Senate report clearly indicates that procedurally it follows the Fair Share Act. But nothing in the report says that the refugees should be only those covered by the Fair Share Act.

As the Department itself points out on page 2 of its letter:

> With regard to the language of Section 203(a)(7) of the Immigration and Nationality Act, the Department is in full agreement with you that the language of the statute would permit the conditional entry of refugees from Communist China.

I can well understand the problems outlined in the Department's letter with respect to political refugees in Asia, particularly those in Hong Kong. But I am convinced these problems are exactly what the Department has had and is experiencing in most of the seven nations where it has established refugee offices.

To be sure, there is the problem of administering the huge number of Hong Kong applications—particularly in comparison with the small number of refugees to be admitted annually under the 1965 law.

This again appears, however, to be a problem common to political refugees the world over—whether they may come from Europe, the Middle East, or Asia. The reason for this is the limited number the Congress has seen fit to allow into the United States each year.

The primary relevant criterion for considering their admission to the United States in this context is that all such refugees be given an equal footing, regardless of race, color, or national origins.

As for foreign policy considerations, the establishment by the Department of refugee offices in Asia and the Pacific undoubtedly would greatly enhance America's image in that critical area of the world. By doing this, we would be demonstrating to the hundreds of millions of people in Asia and the Pacific that America does not discriminate against them—in favor of the peoples of Europe and the Middle East.

I am certain that the United States would encounter no difficulty in reaching agreements with the countries of asylum I have proposed to enable INS screening of applicants for conditional entry. The United Kingdom, and the sovereign states of Thailand and Singapore undoubtedly would be more than willing to extend their fullest cooperation to this country in this regard.

There appear to be no insurmountable obstacles, therefore, to establishing refugee offices in the Asia and Pacific areas, and that the problems outlined in the Department's letter are subterfuges under which the Department is openly flouting the intent and spirit of the Immigration Reform Act of 1965.

All that is requested is that at least two refugees offices be established in the Asia-Pacific area. Only when this is done will the Immigration Reform Act of 1965 be fully implemented as to its basic underlying policy of complete eradication of race discrimination.

In view of the language of the law and its overriding intent, the Asia-Pacific area has been grossly discriminated against—not by law, but by administrative fiat. It has not been placed on the same footing as Europe and the Middle East.

It is imperative that the language and spirit of the law be fully implemented. This could be done by designating Hong Kong and another nation—Thailand or Singapore—as points through which refugees might be processed at the earliest possible date.

I am very hopeful that the Secretary will give this urgent matter his personal attention and that he will take the steps I have suggested to right an obvious wrong in the Department's policies respecting political refugees in Asia and the Pacific.

Mr. President, I ask unanimous consent that the full text of my letter of today to the Secretary of State be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 8, 1967.

Hon. DEAN RUSK,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: This will acknowledge receipt of the response of the Department of State, dated July 25, to my letter concerning political refugees from Communist countries in Asia and the Pacific. I appreciate very much the extensive exposition of the Department's views on the matter.

I am well aware of the past efforts on the part of this country to assist refugees escaping communism from Communist China and other areas of Asia and the Pacific. The Department's support of these efforts is indeed commendabis. But this should not excuse the full impiementation of the spirit and intent of the law.

I am also fully aware of the language contained in the Reports of the Committees on the Judiciary of both Senate and House regarding the implementation of Section 203(a)(7) of the Immigration and Nationality Act of 1965 which was noted in the Department's letter. It is quite true that the Senate Report, for example, contains the following language: "The conditional entry of refugees as proposed in this bill is not unlike the parole procedure utilized during the existence of the so-called Fair Share Act . . . and is intended that the procedure remain the same."

This language of the Senate Report clearly indicates that procedurally it follows the Fair Share Act. But nothing in the Report says that the refugees should be only thoss covered by the Fair Share Act.

As you point out yourself on page 2 of your letter: "With regard to the language of Section 203(a)(7) of the Immigration and Nationality Act, the Department is in fuii agreement with you that the ianguage of the statute would permit the conditionai entry of refugees from Communist China."

There is no question that the overriding public policy underlying every single aspect of the 1965 Law is the complete elimination of race discrimination from our basic immigration statute. This transcendent public policy is made abundantly clear in statements of President Johnson, when he submitted the biii to Congress and when he signed the measure into law, and in ail the legislative history of the Law.

When that public policy is applied to statutory provisions dealing with political refugees, and fortified by what we all agree to be the meaning of Sections 203(a)(7), it is plain to me that such refugees in the Asia and Pacific areas should be placed on exactly the same footing as political refugees in Europe and in the Middle East.

I can understand the probiems outiined in the Department's letter with respect to political refugees in Asia, particuiarly those in Hong Kong. But I am convinced these problems are exactly what you have had and are experiencing in most of the seven nations where you have established refugee offices.

To be sure, there is the "problem of administering the huge number of (Hong Kong) applications"—particularly in comparison with the small number of refugees to be admitted annually under the 1965 Law.

This again appears, however, to be a problem common to politicai refugees the world over—whether they may come from Europe, the Middle East, or Asia. The reason for this is the limited number the Congress has seen fit to allow into the United States each year.

The primary relevant criterion for considering their admission to the United States in this context is that all such refugees, although limited in number, be given an equal footing, regardless of race, color, or national origins.

As for foreign policy considerations, the establishment by the Department of refugee offices in Asia and the Pacific undoubtedly would greatly enhance America's image in that critical area of the world. By doing this, we would be demonstrating to the hundreds of millions of people in Asia and the Pacific that America does not discriminate against them—in favor of the peoples of Europe and the Middle East.

I am certain that the United States would encounter no difficulty in reaching agree-

ments with the countries of asylum I have proposed to enable INS screening of applicants for conditional entry. The United Kingdom, and the sovereign states of Thailand and Singapore undoubtedly would be more than willing to extend their fullest cooperation to this country in this regard.

There appear to be no insurmountable obstacles to establishing refugee offices in the Asia and Pacific areas. It is therefore evident to me that the problems which are outlined in the Department's letter have been raised to avoid the full implementation of a law duly passed by the Congress.

All that is requested is that at least two refugee offices be established in the Asia-Pacific area. Only when this is done will the Immigration Reform Act of 1965 be fully implemented as to its basic underlying policy of complete eradication of race discrimination. Only then will America not be accused of reverting to the ill-advised policies of the past.

In view of the language of the Law and its overriding intent, the Asia-Pacific area has been grossly discriminated against—not by law, but by administrative flat. It has not been placed on the same footing as Europe and the Middle East.

It is imperative that the language and spirit of the Law be fully implemented. This could be done by designating Hong Kong and another nation—Thailand or Singapore—as points through which refugees might be processed at the earliest possible date.

I look forward to your favorable reply.

Sincerely yours,

HIRAM L. FONG.

Mr. FONG. I also ask unanimous consent to have printed in the RECORD two editorials, one entitled "Refugees and Race," published in the Honolulu Advertiser of July 16, 1967, and the other entitled "Lingering Discrimination," published in the Honolulu Star-Bulletin of July 27, 1967.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

REFUGEES AND RACE

U.S. Senator Hiram Fong has pointed up what seems to be a glaring racial gap in this country's treatment of refugees seeking political asylum.

Under a State Department determination, refugees from Communist nations can seek conditional entry into the U.S. only from certain countries in Europe and the Mediterranean region—not from anywhere in the Asia-Pacific area.

Senator Fong wants Hong Kong, Thailand and Singapore included as points where persons can seek to come to the U.S. under the refugee category.

China's cultural revolution, Hong Kong's rioting and Indonesia's actions against overseas Chinese would all seem to add even more humanitarian reasons for making it possible for refugees to come here from Asia.

Yet the present State Department no-door-for-Asia policy is described by some as a reversal of a previous program that brought some 14,000 refugees from Hong Kong to the U.S. between 1962-66. That was hardly a number that would flood the country, but it at least reflected an interest.

The irony of this policy on refugees is that it comes at a time when the regular immigration channels are bringing an increasing number of Asians to the U.S.

Under the Immigration Reform Act of 1965 this figure has almost doubled, to some 40,000. Chinese and Filipinos have shown the biggest increases.

This far-reaching act, which puts added flexibility and democracy into our immigration standards, has been rightly hailed. Senator Fong was a co-author with Senator Edward Kennedy.

Now Senator Fong is right in citing the contrast between this law and our treatment by administrative decision of legitimate Asian refugees who have fled communism or other oppression.

The State Department may have its reasons, but they are invisible, and unviable. We should obviously not discriminate on a racial basis. It is also important that we should not seem to do so.

LINGERING DISCRIMINATION

Political refugees from Communist China seeking asylum in the United States have to go all the way to Europe—or to Lebanon—before they can qualify for entry.

There is nothing in the law that sets up this limitation; it is so because of an administrative order.

Sen. Hiram L. Fong is pushing to get the order changed to include Hong Kong and either Thailand or Singapore as additional clearing points for refugees from political persecution.

The order now permits conditional entry of refugees from Communist countries to enter the United States only from Austria, Belgium, France, West Germany, Greece, Italy and Lebanon. Sen. Fong notes that all but one of these are in Europe, none in the Asia-Pacific area.

The Immigration Reform Act of 1965 sought to eliminate racial discrimination from our basic immigration law. "What we have eliminated by law in 1965 is being restored by administrative decree," Sen. Fong protests.

His request that Hong Kong and either Thailand or Singapore be added to the list of refugee way stations is reasonable. It would help remove the lingering discrimination against the Pacific-Asia triangle that Hawaii's spokesmen in Washington have tried for years to end.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 478, S. 1155.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1155) to amend the Export-Import Bank Act of 1945, as amended, to shorten the name of the bank, to extend for 5 years the period within which the bank is authorized to exercise its functions, to increase the bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking and Currency, with an amendment, to strike out all after the enacting clause and insert:

That (a) the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635-635i), is amended by changing "Export-Import Bank of Washington", wherever that name refers to the legal entity created by the Export-Import Bank Act of 1945, to "Export-Import Bank of the United States".

(b) Section 2(b) of such Act is amended by inserting "(1)" after "(b)", and by adding at the end thereof a new paragraph as follows:

"(2) It is further the policy of the Congress that the Bank in the exercise of its functions should not guarantee, insure, or extend credit, or participate in an extension of credit (A) in connection with the purchase of any product by a Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended), or agency or national thereof, or (B) in connection with the purchase of any product by any other foreign country, or agency, or national thereof, if the product to be purchased by such other country, agency, or national is, to the knowledge of the Bank, principally for use in, or sale to, a Communist country (as so defined): *Provided*, That whenever the President determines that such guarantees, insurance, extension of credits, or participation in credits, would be in the national interest and reports such determination (within thirty days after making the same) to the Senate and House of Representatives, such guarantees, insurance, or extension of credits may be made, or participated in, by the Bank notwithstanding the policy herein stated."

"(3) It is further the policy of the Congress that the Bank in the exercise of its functions shall not guarantee, insure, or extend credit, or participate in an extension of credit in connection with any credit sale of defense articles and defense services by the Government of the United States under the Foreign Assistance Act of 1961, as amended, or by United States exporters, the repayment of which is guaranteed under section 503(e) and section 509(b) of said Foreign Assistance Act: *Provided*, That whenever the President determines that such guarantees, insurance, extension of credits, or participation in credits, would be in the national interest and reports such determination (within thirty days after making the same) to the Senate and House of Representatives, such guarantees, insurance, or extension of credits may be made, or participated in, by the Bank notwithstanding the policy herein stated: *Provided further*, That in no event shall the Bank have outstanding at any time, military export credits guaranteed under section 503(e) and section 509(b) of the Foreign Assistance Act of 1961, as amended, in excess of 7½ per centum of limitation imposed by section 7 of this Act."

(c) Section 2(c) of such Act is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$3,500,000,000".

(d) Section 3(d) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: "Members, not otherwise in the regular full-time employ of the United States, may be compensated at rates not exceeding the per diem equivalent of the rate for grade 18 of the General Schedule (5 U.S.C. 5332) for each day spent in travel or attendance at meetings of the Committee, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently."

(e) Section 7 of such Act is amended by striking out "$9,000,000,000" and inserting in lieu thereof "$13,500,000,000".

(f) Section 8 of such Act is amended by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1973".

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Nebraska [Mr. HRUSKA].

ELECTRONIC SURVEILLANCE BY AUTHORIZED LAW ENFORCEMENT OFFICERS

Mr. HRUSKA. Mr. President, I ask unanimous consent that at the next printing of S. 2050, a bill to prohibit

electronic surveillance by persons other than duly authorized law enforcement officers, and for other purposes, the names of the Senator from Pennsylvania [Mr. SCOTT], the Senator from Illinois [Mr. PERCY], the Senator from California [Mr. KUCHEL], the Senator from South Carolina [Mr. THURMOND], my colleague from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], the Senator from Iowa [Mr. MILLER], the Senator from California [Mr. MURPHY], the Senator from New Hampshire [Mr. COTTON], and the Senator from South Carolina [Mr. HOLLINGS] be added as cosponsors to S. 2050.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, S. 2050 would provide congressional authorization for Federal-State law-enforcement authority to use modern electronic technology in combating crime in this country, particularly organized crime.

The Senators who join me have been convinced that the mounting evidence justifies the extremely limited and carefully controlled authority to engage in wiretapping and bugging to fight these most serious threats to our national security. They have studied among other papers, the persuasive arguments advanced by respected law enforcement officials such as Frank S. Hogan, district attorney of New York County, N.Y. Mr. Hogan has described wiretapping as "the single most valuable and effective weapon in the arsenal of law enforcement, particularly in the battle against organized crime." He has found it to be "an irreplaceable tool."

These Senators have also reacted to informed comment by respected columnists such as Marquis Childs and the editorial writers of the Christian Science Monitor.

They have joined in a call that is not limited to the Federal Government. Just last weekend Governor Rockefeller of New York requested a State constitutional amendment to equip law enforcement officials in his State with the capacity to deal effectively with the control of crime and to preserve law and order. Mr. Rockefeller contends:

> It is essential that we make maximum use of modern science and technology for the protection of society against crime.

These decisions by the distinguished Senators to which I have referred have not been made lightly. No men in the Senate are more jealous of the constitutional rights of the individual. These decisions have been made only after a careful weighing of all arguments and much reflection.

Mr. President, it appears that permissive electronic surveillance, if authorized by Congress, would be a vital tool in helping to head off the rash of riots which have erupted across the Nation. The evidence now being accumulated by the Senate Judiciary Committee in its current hearings indicates as much. We have heard, for example, from Capt. John A. Sarace, of the Nashville Police Department, who testified that had electronic surveillance been authorized for this purpose, it would have been of great value. While not specifically provided for in S. 2050 at present, such authorization seems to have merit.

Mr. President, I ask unanimous consent that an article from the New York Times be inserted in the RECORD, and also a series of articles on the wiretapping controversy written by the prize-winning columnist, Edward J. Mowery.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 6, 1967]

ROCKEFELLER ASKS WIRETAP POWERS IN CONSTITUTION—URGES CONVENTION DELEGATES TO GIVE GENERAL AUTHORITY FOR LEGISLATURE TO ACT—WANTS TO GUARD RIGHTS—CAREFULLY CONTROLLED USE IS SOUGHT—PRESENT LAW IS TERMED OBSOLETE

(By Thomas P. Ronan)

Governor Rockefeller announced yesterday that he would seek a state constitutional provision authorizing "the carefully controlled use of wiretapping and electronic surveillance" in fighting crime.

He specified that this use must be "under judicial supervision with adequate safeguards for the protection of individual liberties."

The Governor's office here made public a message he will send to the Constitutional Convention in Albany tomorrow. In it, he urges the delegates to include in their proposals "general authority" for the Legislature to provide for the use of wiretapping and electronic surveillance.

Convention proposals for a new or revised Constitution must be approved by the voters in a statewide referendum before they can become effective.

The Governor said that the present state constitutional provision authorizing wiretapping and the state law covering this and electronic surveillance had been "rendered obsolete" by a ruling of the United States Supreme Court.

THE TOOLS FOR BATTLE

"The capacity of our modern society to deal effectively with the control of crime and to preserve law and order is challenged as never before," Mr. Rockefeller declared in his message.

"Our ability to meet this challenge is significantly strengthened by the tools of science and technology now available to society.

"In a period of spiraling crime rates and at a time when organized crime is flourishing in narcotics traffic, gambling, loan sharking and the corruption of legitimate businesses, it is essential that we make maximum use of modern science and technology for the protection of society against crime."

After outlining his proposal, Mr. Rockefeller said that wiretapping and electronic surveillance of criminals were "perhaps the single most effective weapons available today to society in the fight against organized crime."

The Governor noted that Section 12, Article 1, of the present State Constitution had provided general authority for court-authorized wiretaps where there was reasonable ground to believe that evidence of crime might be obtained.

NOTES RECENT RULING

"This provision, however, and the statutory law of the state which covers electronic surveillance as well as wiretaps have been rendered obsolete by the recent decision of the Supreme Court in the case of Berger v. New York," he continued.

In this 5-to-4 ruling on June 12, the Court held that the New York State law permitting court-approved eavesdropping by the police was unconstitutional. But it did not impose a total ban on the use of electronic devices in fighting crime.

The ruling was interpreted as leaving the door open for a statute that would give law-enforcement officials the required authority without affecting the rights of individual privacy guaranteed by the Fourth Amendment.

The Supreme Court threw out the bribery conviction of Ralph Berger, a Chicago public-relations man. He had been found guilty in November, 1964, of having plotted with the owners of Playboy Clubs International and Playboy magazine to give a $50,000 magazine to give a $50,000 bribe to Martin C. Epstein, then chairman of the State Liquor Authority.

District Attorney Frank S. Hogan's office conceded that he would not have been convicted without the evidence collected by bugging two New York offices.

The whole question of wiretapping and bugging by law-enforcement agents has caused heated controversy in recent years.

The Johnson Administration has proposed outlawing wiretapping and other electronic eavesdropping except in national security investigations.

In June, Attorney General Ramsey Clark took a long step toward implementing this proposal for Federal agents when he issued regulations forbidding wiretapping and virtually all eavesdropping by them except in national security cases.

This and similar moves in Federal and state circles have been severely criticized by some law enforcement officials and members of Congress on the ground that some police eavesdropping must be permitted if organized crime is to be controlled.

In urging the convention delegates to provide authority for police eavesdropping, Mr. Rockefeller said that if they did so and the voters approved, it would "facilitate" legislation he intended to propose at the next legislative session "which meet the criteria set forth by the United States Supreme Court."

This legislation, he said, "will carefully safeguard individual liberty and at the same time recognize the right of society to protect itself through the use of this valuable device for effective law enforcement."

[From the Jackson Citizen Patriot, Jackson, Mich., Apr. 13, 1967]

THE GREAT WIRETAPPING CONTROVERSY—HOBBLES ADD TO GRAVITY OF CRIME SITUATION

(EDITOR'S NOTE.—Pulitzer Prize-winning columnist Edward J. Mowery unveils the "other side of the coin"—law enforcement's crucial need of listening devices in combatting unprecedented crime—in this three-part series.)

(By Edward J. Mowery)

NEW YORK.—The United States is reeling under the blows of a crime explosion of staggering immensity, perhaps unmatched in the annals of history. It is easily the most crucial issue crying for solution on the domestic front.

Yet, a determined effort is under way to hobble law enforcement by denying it the tools needed to crush the underworld. One of those tools is the listening device.

The gravity of the crime situation has caused deep concern in the White House. Weighing the 1966 breathtaking tally of 2,780,000 major offenses scarring the image of urban and rural America—where citizens fear to venture even in broad daylight—President Johnson has called for a no-holds-barred assault on the nation's criminal scum.

But realists know there can be no equitable solution until: 1) the courts treat felons like felons and enemies of society, and 2) law enforcement is given every known aid to take them into custody. Thanks to the "soft on criminals" thesis gaining momentum throughout the land, society's rights to protection are vanishing by attrition.

A series of United State Supreme Court decisions, anchored to the "constitutional" rights of criminals, has upgraded their status